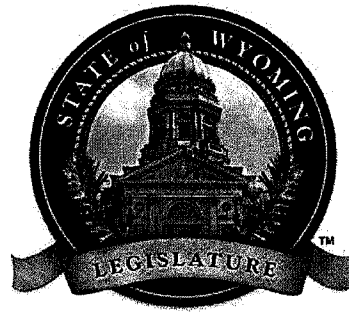


**Draft Only**  
**Approval Pending**  
**SUMMARY of**  
**PROCEEDINGS**



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**MANAGEMENT COUNCIL**

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**COUNCIL MEETING INFORMATION**

December 19, 2017  
Jonah Business Center, Room L54  
Cheyenne, Wyoming

**COUNCIL MEMBERS PRESENT**

Senator Eli Bebout, Chairman  
Representative Steve Harshman, Vice Chairman  
Senator John Hastert  
Senator Drew Perkins  
Senator R. Ray Peterson  
Senator Chris Rothfuss  
Senator Michael Von Flatern  
Representative Donald Burkhardt, Jr.  
Representative James Byrd  
Representative Cathy Connolly  
Representative John Freeman  
Representative Mike Greear  
Representative David Miller

**OTHER LEGISLATORS PRESENT**

Senator Affie Ellis  
Representative Mike Gierau

**LEGISLATIVE SERVICE OFFICE STAFF**

Matt Obrecht, Director  
Torey Racines, Legislative Counsel  
Ian Shaw, Legal Administrator  
Don Richards, Budget and Fiscal Administrator  
Anna Mumford, Operations Administrator  
Jamie Schaub, Information Technology Manager  
Anthony Sara, Legislative Support Manager  
Riana Davidson, Associate Legislative Information Officer  
Heather Kammerman, Executive & Fiscal Assistant  
Kathy Barrett, Fiscal Officer

*The Council Meeting Summary of Proceedings (meeting minutes) is prepared by the Legislative Service Office (LSO) and is the official record of the proceedings of a legislative Council meeting. This document does not represent a transcript of the meeting; it is a digest of the meeting and provides a record of official actions taken by the Council. All meeting materials and handouts provided to the Council by the Legislative Service Office, public officials, lobbyists, and the public are on file at the Legislative Service Office and are part of the official record of the meeting. An index of these materials is provided at the end of this document and these materials are on file at the Legislative Service Office. For more information or to review meeting materials, please contact the Legislative Service Office at (307) 777-7881 or by e-mail at [lso@wyoleg.gov](mailto:lso@wyoleg.gov). The Summary of Proceedings for each legislative Council meeting can be found on the Wyoming Legislature's website at [www.wyoleg.gov](http://www.wyoleg.gov).*

### OTHERS PRESENT AT MEETING

Please refer to **Appendix 1** to review the Council Sign-in Sheet for a list of other individuals who attended the meeting.

### EXECUTIVE SUMMARY

The Management Council met to discuss issues related to the management of the Wyoming Legislature and legislative staff, including: receiving a Legislative Service Office interim activities update, LSO Budget/Fiscal staff utilization, receipt of the LSO financial audit for the biennium ending June 30, 2016, potential options to livestream interim committee meetings and sponsorship of draft legislation for the legislative budget for fiscal years 2019 and 2020. Council also considered potential updates to the anti-discrimination and sexual harassment policy and trainings, approval of the session calendar, approval of the 2018 pre-session training schedule and potential Management Council policy changes. A portion of the meeting was conducted in executive session to discuss personnel matters.

### CALL TO ORDER

Chairman Eli Bebout called the meeting to order at 9:00 a.m. The following sections summarize the Council's proceedings by topic. Please refer to **Appendix 2** to review the Council Meeting Agenda.

### APPROVAL OF MINUTES

Senator Von Flatern moved the approval of the May 2, 2017 and June 21, 2017 meeting minutes. (**Appendix 3 and 4**) The motion was unanimously adopted.

### COMMITTEE ACTIONS RESULTING FROM COUNCIL DIRECTIVES

Senator Perkins provided an overview of the Government Spending and Efficiency Task Force's report. (**Appendix 5**) He stated that consultants specifically reviewed the operation of five agencies including the departments of Education, Administration and Information, Revenue, Audit and Health. Council members stressed the importance of taking advantage of reimbursements that are available to the state and getting executive branch buy-in for a legislative initiative. State Auditor Cynthia Cloud thanked the Legislature for starting the efficiency discussion and the importance of the government efficiency initiative. Gail Symons, Task Force member, also voiced her support for the initiative and told the Council that this is a long-term project that involves a lot of change management. After further discussion, Vice-Chairman Harshman moved to further work 18-LSO-0337-Government Efficiency Project (**Appendix 6**) with a subcommittee of three including Senator Perkins and a House and Senate member appointed by the President and Speaker. The subcommittee was tasked to work with LSO staff to get a final product for Management Council to consider at its next meeting. The motion was adopted.

### CORPORATIONS MEETING IN SUNDANCE DISCUSSION

Representative Connolly provided an overview of the Joint Corporations, Elections and Political Subdivisions meeting November 20-21 in Sundance. The committee discussed 18LSO-132-Statutory Gender References. Representative Connolly told the Council that during public comment there was testimony on both sides, but mainly opposing the bill. Chairman Bebout asked if the chairman took control of the meeting at the time the public started to personally attack members of the committee. Representative Connolly stated that the chairman did take control, but the public comment continued for over two hours. Representative Byrd stated that he was not physically at the meeting, but was participating via a livestream. He told the Council that much of the public testimony had no direct relevance to the bill the committee was considering. Chairman Bebout asked Representatives Byrd if he

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#### MANAGEMENT COUNCIL *Summary of Proceedings*

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felt Senator Case could have handled the situation differently and Representative Byrd said he felt Senator Case did the best job he could. Representative Gierau stated he was disturbed when he read the first account of the meeting and told the Council he was mad when he listened to the audio. He also said he was told to trust the process and honor the institution when he came here eleven months ago and believes the institution was not upholding its high standards in this situation. Representative Gierau went on to say that during his time as county commissioner, he always set the expectation of the meeting at the beginning and set a time limit for public testimony. Ms. Marguerite Herman, League of Women Voters, told the Council that this event should be used as a learning experience and provided the Council with new public decorum guidelines to consider. (**Appendix 7**) Ms. Sarah Burlingame, Wyoming Equality Executive Director, told the Council she felt these events have less to do with social media and more to do with national groups spreading fear and misinformation. She told the Council that it is important to forge relationships with those who have opposite viewpoints. After further discussion, Council directed staff to work with former LSO Directors, committee chairmen and the Presiding Officers to update the committee chairman handbook and provide more training for chairmen prior to the 2019 General Session. Council also encouraged developing a way for committee chairmen to have a "right-hand" person that can assist them during these types of situations.

### **DISCUSSION OF COLORADO LEGISLATIVE AGENCY VISIT**

Legislative Service Office Director, Matt Obrecht provided an overview of the Colorado Legislature visit LSO managers and administrators participated in during the summer. He provided statistics on Colorado's staffing levels versus Wyoming's and explained that Colorado's work products are more proactive whereas LSO is constantly reactive. (**Appendix 8**) Council asked Director Obrecht what he would do to expand upon the services that LSO currently provides. He said he would like to be able to provide more proactive resources to handle legislators' individual requests. Mr. Obrecht also told the Council that Colorado's workload is lighter during the interim and that few interim committee meetings are held outside of the Capitol complex in Denver. Council also asked if Colorado's staff pay and benefits were comparable to LSO. Mr. Obrecht stated the cost of living in Denver is more and that they have a state income tax, but overall salaries are 10 to 20 percent higher than Wyoming's. He also told the Council that Colorado has more of a focus on quality of life, including a 37.5 hour work week during the interim, a punch card system with "free" days off, staff retreats and allow for three personal days during the session. Council thanked LSO for the quality of work that is produced and asked Director Obrecht to develop an "ideal" organizational chart to consider in the future that wasn't based on the budget.

### **2017 LSO TRAINING UPDATE**

Riana Davidson, Associate Legislative Information Officer, provided a brief overview of the training programs attended by LSO staff during the 2017 interim. (**Appendix 9 and 10**) Council asked if LSO had given thought about funding for staff training during the next biennium. Director Obrecht stated that the 2019-2020 budget has the same level of funding of \$56,000.

### **BUDGET/FISCAL STAFF UTILIZATION PRESENTATION**

Mr. Don Richards, LSO Budget and Fiscal Administrator provided an overview of LSO's current budget and fiscal staffing levels and legislator requests and how they compare to the prior years. (**Appendix 11**) Mr. Richards told Council that his staff section has been impacted by the increased Appropriations and Revenue Committee meetings and elevated research requests during a time of budget shortfalls. In addition, the school finance section, which is now part of the budget and fiscal division, has seen an increase in requests, during the recalibration process. LSO has recently been able to add two staff through restructuring within LSO without adding additional full-time employees to meet the increased demands. Mr. Richards also told the Council that staffing levels are not adequate for when staff is out of the office

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for trainings, committees and vacations. Director Obrecht told the Council that he recommends not doing any new program evaluation audits for one year and freezing positions within the staff section so that resources can be reallocated to assist with the increased demand within the budget and fiscal division. Director Obrecht also explained to the Council that budget and fiscal requests are more time consuming and are treated differently by legislators compared to legal requests. Mr. Obrecht told Council that it is Council's obligation to control utilization of staff resources. Council asked how much LSO's budget has been cut over the past several years and Director Obrecht indicated 15 percent. After further discussion, Council directed staff to come back with suggestions on how Council can regulate workload, including how other state's handle "gatekeeping" research requests. Mr. Obrecht closed by telling Council he must have a Management Council policy on staff utilization to back him up when requests become unreasonable.

### **RECEIPT OF LSO AUDIT FOR BIENNIUM ENDING JUNE 30, 2016**

Mr. Obrecht presented Management Council with LSO's financial audit for the biennium ending June 30, 2016. (**Appendix 12**) Representative Burkhart moved that Council accept the audit and the motion was adopted.

### **LIVE STREAMING/POSTING OF LEGISLATIVE MEETINGS**

Director Obrecht told Council that LSO had a robust discussion with the Select Committee on Legislative Facilities, Technology & Process regarding the livestreaming of interim committee meetings and provided an overview of the four options that were presented to the Select Committee for Council's consideration. (**Appendix 13**) Kyle Nicholoff, Wyoming PBS, told the Council that bandwidth across the state is a concern, depending on the meeting location and that PBS's cost estimates are only associated with travel and per diem for two staffers. Mr. Nicholoff also said that streaming more than 10 meetings per year would take away from local programming, which would affect PBS's fundraising efforts. He also told the Council that Wyoming PBS would be opening another on-air digital channel that could be potentially dedicated to the Legislature. Several members of the public spoke in favor of livestreaming interim meetings including: Phobia Stoner, Equality State Policy Center; Casey Quinn, Powder River Basin Resource Council; Jordan Evans of Cheyenne and Ms. Burlingame, Wyoming Equality Executive Director. After further discussion, Representative Greear moved to pursue Option One (Wyoming PBS responsible for streaming 10 interim committees at Council's direction); further investigate Option Two (Wyoming Enterprise Technology provide livestreaming for 10 additional meetings); and Option 4 (provide audio recording only following each interim committee meeting). Senator Rothfuss then moved to divide the motion to separately consider Options One and Two and Option Four. The first division to move forward with Options One and Two were adopted. A motion for Option Four to only go into effect if 18LSO-0320 (Recording and broadcasting legislative and other meetings) was enacted into law during the 2018 session was adopted. Mr. Obrecht then provided Council with an overview of 18LSO-0320 (**Appendix 14**) and explained most of the bill was the same from the 2017 version except for a few minor changes. Senator Perkins then moved to delete pages two and three of the draft bill. The motion was adopted. Representative Connolly moved to make the effective date immediately. That motion was adopted. Senator Rothfuss then moved to add "the recording of" before (d). The motion failed and Council directed Mr. Obrecht to work on the confidentiality language for Council's consideration prior to the session.

### **OPTIONS TO IMPROVE VIEWING FROM GALLERIES AT JONAH BUSINESS CENTER**

Director Obrecht told Council that Ms. Herman requested the Select Committee on Legislative Facilities, Technology & Process consider an option to better view standing floor votes in the House Chamber. Mr. Jamie Schaub, Information Technology Manager, provided a \$3,000.00 quote to install cameras and

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monitors in the House gallery. (**Appendix 15**) Representative Miller asked how many complaints LSO has received regarding this issue. Mr. Obrecht stated other parties have expressed concern about not being able to see standing votes at the Jonah building, unlike at the Capitol when the galleries were above the chamber floor. Mr. Schaub added that this topic also came up a year ago at the Select Committee's meeting. Director Obrecht stated this solution would be live video only and no archived video would be available. After further discussion, Council directed staff to install two cameras and monitors in time for the 2018 Budget Session.

### **REVISOR'S BILL (18LSO-15)**

Director Obrecht provided a brief overview of 18LSO-015-Revisor's Bill. (**Appendix 16**) Senator Perkins then moved that Council sponsor the bill. The motion was unanimously adopted and Council asked the bill be numbered as a Senate File.

### **ANTI-DISCRIMINATION & SEXUAL HARASSMENT POLICY & TRAINING REVISIONS**

Director Obrecht told Council that as a result of events in other state legislatures, he formed a team within LSO to look at the Wyoming Legislature's current anti-discrimination policy and examine potential changes to the 15-year-old policy. Mr. Obrecht also told Council that LSO was considering changes to the current anti-discrimination training that is offered to all legislators prior to the start of each biennium. He explained that the current training is presented by the state's attorney general's office and not tailored to the legislative branch except when referencing Management Council's policy. Staff training is similar to any workplace, but due to the variety of individuals legislators interact with, a different training is likely necessary. As a result, Mr. Obrecht outlined potential changes to the anti-discrimination and sexual harassment policy and training. (**Appendix 17**) After further discussion, Council directed staff to formulate policy changes and bring back those changes for Council's consideration prior to the legislative session. Council also asked staff to work with NCSL to develop a mandatory training for all legislators prior to the 2018 Budget Session. Mr. Obrecht also added that all LSO staff would participate in a training conducted by the attorney general's office Friday prior to the session beginning. Senator Ellis told the Council that she had discussions with staff regarding hypothetical situations that might exist in the legislative environment to ensure that the rules and complaints are taken seriously. Senator Peterson also asked that anti-discrimination/sexual harassment campaign posters be posted in prominent areas during the legislative session. Mr. Obrecht told the members that LSO would obtain copies of the executive branch posters.

### **SESSION CALENDAR APPROVAL**

Chairman Bebout presented the Council with two session calendars to consider, including a 20-day calendar, with session ending on March 9 (**Appendix 18**). An alternative 20-day calendar with a recess on February 26 and adjourning on March 10 (**Appendix 19**) was also presented. After discussion, Vice-Chairman Harshman moved to adopt the alternative 20-day schedule. The motion was adopted.

### **PRE-SESSION BUDGET TRAINING SCHEDULE APPROVAL**

Director Obrecht provided Council with the tentative new member budget and all member sexual harassment trainings schedule for Saturday, February 10. (**Appendix 20**) After discussion, the Council unanimously adopted the proposed schedule.

### **MANAGEMENT COUNCIL POLICY CHANGES**

Senator Perkins moved that Management Council adopt the proposed changes to the out-of-country travel policy. (**Appendix 21**) The motion was unanimously adopted. Mr. Obrecht stated that the proposed

change to Management Council Policy 12-30 was a clarification of the policy to conform to longstanding practice in the House and the Senate. Vice-Chairman Harshman moved that Management Council adopt the purposed change to MC Policy 12-03. (**Appendix 22**) The motion was unanimously adopted.

### **WEBSITE LAUNCH SCHEDULE**

Mr. Schaub provided Council with a demo of the new legislative Website. Members generally provided positive feedback of the site. Senator Rothfuss asked if the HTML version of the bill could contain the line and page numbers without opening the PDF version. Mr. Schaub said staff would explore this in the future. Mr. Obrecht explained that the site would run parallel with the current Website during the session and then be fully deployed in early April.

### **DIGITIZATION/RETENTION OF BILL DRAFTING FOLDERS AT STATE ARCHIVES**

Ms. Anna Mumford, LSO Operations Administrator, explained that State Archives approached LSO to digitize 600 boxes of bill drafting folders. (**Appendix 23**) The current retention schedule for bill drafting folders is 75 years. State Archives offered to scan the bill drafting folders, destroy the hard copies after authorization and store the digital files for an approximate fee of \$100 per year. After discussion, Senator Von Flatern moved to have State Archives scan the documents and destroy hardcopies older than 25 years. The motion was adopted.

### **DISCUSSION OF LEGISLATIVE BUDGET 18LSO-308**

Director Obrecht provided Council with an overview of the Legislature's 2019-2020 biennial budget and explained the necessary reorganization of LSO staff to meet the changing demands of the Legislature. (**Appendix 26**) Mr. Obrecht informed Council that two positions had been added to the budget and fiscal division due to the increased number of requests. The two positions were added through transferring one staffer from another staff section within LSO and putting a freeze on hiring two positions within the program evaluation section for the first half of the biennium. Chairman Bebout told the Council he felt that it was a good time to look at how the Management Audit function is administered and if there are more efficient ways to utilize LSO staff resources. During the discussion, Council asked Mr. Obrecht if LSO was properly budgeted or if additional staff was needed to carry out the office's duties. Director Obrecht told Council that if the desire is to continue the audit function, legal and budget and fiscal duties, Council would need to consider increasing positions. Director Obrecht then walked the Council through 18LSO-308-Legislative Budget (**Appendix 24** and **25**). During discussion, Representative Connolly moved to increase the amount in line two, page two by 20 percent. After discussion, the motion failed. Vice-Chairman Harshman then moved to create a new paragraph "(iii)" on page six, prior to "(b) effective date" to include all other legislative reversions. During discussion, Director Obrecht explained that the amount of the reversions is unknown at this time and that staff would report back to Council in early July with the total amount reverted. Vice-Chairman Harshman amended his motion, which would create a separate contingency fund for reversions after June 30. After further discussion, the motion was adopted. Chairman Bebout then called for a roll call vote to approve the Legislature's 2019-2020 budget and the budget was unanimously adopted.

### **POTENTIAL REQUEST FOR ADDITIONAL FUNDS FOR REVENUE COMMITTEE MEETING**

Senator Peterson explained that the Revenue Committee met in November anticipating that to be the committee's final meeting. He provided an overview of the remaining bills the Committee had yet to consider and asked Council to allow the committee to meet an additional day in January. (**Appendix 27**)

### **MANAGEMENT COUNCIL *Summary of Proceedings***

Upon further discussion, Senator Peterson moved to approve one additional meeting day to discuss the outstanding committee bills. The motion was adopted.

### **LEGISLATOR TRAVEL AUTHORIZATION REQUEST**

Chairman Bebout and Vice-Chairman Harshman stated they were invited to travel with the Governor to the January Shot Show in Las Vegas and indicated the travel costs would be between \$500 and \$600. Representative Greear moved to approve the request and the motion was adopted. (**Appendix 28**)

Director Obrecht stated Senator Meier was invited to attend a listening session in Washington D.C. and requested funding for a Greenhouse Veterans Affairs Nursing Center in Sheridan County and indicated the VA would work with Wyoming to extend the grant application. Senator Meier requested approximately \$800 to \$1000 reimbursement for travel to the conference. Senator Rothfuss moved to approve travel expenses for Senator Meier and the motion carried. (**Appendix 28**)

### **2017 ADMINISTRATIVE RULE REPORT**

Josh Anderson, Senior Staff Attorney provided an overview of the administrative rule report. (**Appendix 29**) The report was unanimously adopted by the Council.

### **EXECUTIVE SESSION TO CONSIDER PERSONNEL ISSUES**

Chairman Bebout moved to resolve into executive session to consider personnel issues at 5:45 p.m.

### **MEETING ADJOURNMENT**

There being no further business, Chairman Bebout adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Chairman Eli Bebout

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# Council Meeting Materials Index

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1	Sign-In Sheet	Lists meeting attendees	Legislative Service Office
2	Committee Meeting Agenda	Provides an outline of the topics the Committee planned to address at meeting	Legislative Service Office
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4	Approval of Minutes	June 21, 2017 Meeting Minutes	Legislative Service Office
5	Committee Actions Resulting from Council Directives	Government Efficiency Study Summary of Recommendations	Legislative Service Office
6	Committee Actions Resulting from Council Directives	18-LSO-0337 - Government efficiency project.	Legislative Service Office
7	Joint Corporations Committee Sundance Meeting Discussion	Decorum in Committee Meetings	Marguerite Herman, Wyoming League of Women Voters
8	Discussion of Colorado Legislative Agency Visit	Recap of LSO staff's visit to the Colorado Legislature	Legislative Service Office
9	2017 LSO Training Recap	2017 LSO Training Recap	Legislative Service Office
10	2017 LSO Training Schedule	2017 LSO Training Schedule	Legislative Service Office
11	Budget Fiscal Staff Utilization Presentation	LSO Budget/Fiscal Staffing	Legislative Service Office
12	Receipt of LSO Audit for Biennium Ending June 30, 2016	LSO Statement of Cash Disbursements Biennium Ending June 30, 2016	Legislative Service Office

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14	Live Streaming/Posting of Legislative Meeting	18LSO-0320 – Recording and broadcasting legislative and other meetings.	Legislative Service Office
15	Options to Improve Viewing from Galleries in Temporary Capitol	Potential Viewing of Chamber Votes Memo	Legislative Service Office
16	Revisor's Bill	18LSO-015 – Revisor's Bill	Legislative Service Office
17	Anti-Discrimination and Sexual Harassment Policy and Training Revisions	Outline of Potential Changes to Anti-Discrimination and Sexual Harassment Policy and Training	Legislative Service Office
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19	Session Calendar approval	2018 Budget Session Schedule-Alternate	Legislative Service Office
20	Pre-session Budget Training Schedule Approval	2018 Budget Session – New Legislator Orientation	Legislative Service Office
21	Management Council Policy changes	Out of Country Travel	Legislative Service Office
22	Management Council Policy changes	Dress Code in the Chambers	Legislative Service Office
23	Digitization/Retention of Bill Drafting Folders in State Archives	Digitizing Bill Drafting Folders Memo	Legislative Service Office
24	Discussion of Legislative Budget	18LSO-308 – Legislative budget.	Legislative Service Office
25	Discussion of Legislative Budget	LSO Proposed 2019-2020 Legislative Budget	Legislative Service Office
26	Discussion of Legislative Budget	2019-2020 Legislative Budget Explanation	Legislative Service Office

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27	Potential Request for Additional Funds for Revenue Committee Meeting	Request for Additional Funds for the Joint Revenue Committee	Legislative Service Office
28	Legislator Travel Authorization Request	Legislator Request for Travel Reimbursement	Legislative Service Office
29	Administrative Rule Report	Governor's Response to Management Council's Actions on Administrative Rules	Legislative Service Office

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